

THE HIGHLAND COUNCIL

PLANNING, ENVIRONMENT & DEVELOPMENT COMMITTEE

18 January 2012

Agenda Item	8
Report No	PED 6/12

Highland-wide Local Development Plan – Examination Report

Report by Director of Planning and Development

Summary

The Report of Examination for the Highland-wide Local Development Plan has now been received from the Directorate of Planning and Environmental Appeals. The Committee must now consider the Reporters' recommendations, which are essentially binding upon the Council. The Local Development Plan will then require to be modified in line with the recommendations and necessary consequential modifications and non-material corrections to progress the Plan so modified towards adoption. Members are asked to agree to the changes necessary to enable the Plan to be adopted at the meeting of Highland Council on 5 April 2012.

1. Background

- 1.1 The Examination into outstanding issues of objection to the Highland-wide Local Development Plan (Proposed Plan, September 2010) has been undertaken by Reporters appointed by the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA). The Council received the Report on 20 December 2011. The full Report and covering letter are available in the Members' Lounge and on the Council's website.
- 1.2 The Reporters' recommendations are essentially binding upon the Council, with the Planning Act and associated regulations setting out very few and limited grounds for declining to follow recommendations. It is therefore expected that the Plan will be modified in accordance with all of the Reporters' recommendations, that any necessary consequential modifications and non-material corrections will be made and that the Plan will then be adopted in that form.
- 1.3 The Council can only decline to follow recommendations where the Council either considers that the particular modifications would result in the Highland-wide Local Development Plan:
 - being inconsistent with the National Planning Framework;
 - adversely affecting the integrity of European nature conservation sites (tested through Habitats Regulations Assessment) or being unacceptable in terms of environmental impact (tested through

Strategic Environmental Assessment); or

- where the Council considers that the particular modifications are based on conclusions that the Reporter could not reasonably have reached based on the evidence considered in the course of the examination.

2. The Reporters' Recommendations

2.1 The majority of the recommendations in the Report are in line with the Council's position at examination, as agreed by this Committee in March 2011. Whilst the Reporters have recast some policies in a manner different from that which had been commended, their meaning remains unchanged.

2.2 Almost all of the sites and settlement development areas that were proposed by the Council within the Plan have been confirmed, with some minor modifications where necessary, to the detail of the plan proposals. Exceptions to this are;

- at Culloden Moor, where the proposed allocation has been recommended for deletion from the Plan. This recommendation is based on the consideration of various issues such as loss of recreational land, potential loss of habitat with nature conservation value and questions over the availability of the site for development.
- at Ardersier where a further allocation has been included at East of Milton of Connage reflecting a Committee decision made by the Council in respect of this site.

These changes have no significant effect on the overall housing land supply or the strategy for development in the A96 corridor.

2.3 The Reporters had identified the spatial strategy of the Plan, in particular the parts which related to the A96 corridor, population growth assumptions and the housing land supply as issues worthy of more detailed examination. This was in response to representations which stated that the Council had been too optimistic in light of the economic downturn and had allocated too much land. Two hearing sessions were arranged to provide the Reporters with the opportunity to gather further information from the Council and other parties on these issues to inform their recommendations. These were held on September 27th and September 28th 2011 in Inverness, where a round table discussion of the issues took place.

2.4 It is positive to note that the Reporters have concluded that the spatial strategy and in particular the principle of development in the Inner Moray Firth is well established and that the Plan has been prepared in the context of eventual recovery of the economy and it provides the framework to accommodate future development. The population projections and the consequent delivery of a generous housing land supply contained in the Plan have also been seen by the Reporters as being entirely in line with Government guidance.

2.5 The Reporters have also recognised that the future preparation of the 3 area local development plans will give further opportunity for assessment of development requirements and opportunities.

2.6 As an overview, the headline conclusions and recommendations from the Examination report include;

- Support for the Vision and Spatial Strategies for Highland as a whole;
- Support for the development of the A96 growth corridor between Inverness and Nairn including developments at Tornagrain, Beechwood Campus, East Inverness and Nairn (Sandown, Delnies and Nairn South);
- Support for population and household projections and the housing land supply required in the Highlands which are deemed reasonable and in line with Scottish Government policy and guidance;
- Removal of a residential expansion allocation at Culloden Moor; the loss of this site has no significant impact on the housing land supply or the development strategy for the A96 corridor.
- Support for developments at key sites in Ross-shire and Caithness, including Nigg, and John O' Groats;
- Support for all of the general policies of the plan subject to some minor modifications.

2.7 A number of planning applications currently being considered by the Council have not been determined pending the receipt of the Examination Report. It is now considered that the Examination report will be a very important material consideration prior to the adoption of the Local Development Plan itself, and that progress can now be made on determining these planning applications.

3. Next Steps

3.1 The next statutory steps involve:

- publishing the Notice of Intention to Adopt the Plan;
- publishing the modifications and modified Plan and making these available in area offices, public libraries and on the website;
- notifying those who made representations that the modified plan has been published;
- sending the modified Plan, associated documents, any requisite SEA material and a copy of the notice to Scottish Ministers – the Council is required to do this within 3 months of receipt of the Report of Examination i.e. by 20 March 2012.

3.2 There then follows a 28 day period which must elapse before the Council may adopt the Local Plan. During this period Scottish Ministers have power to issue a direction to lengthen that period and have power to issue a direction for the authority to consider modifying the Plan if they consider it to be unsatisfactory. A report will be prepared for the Council meeting on 5 April 2012 in anticipation of Council being able to adopt the Local Plan at that meeting.

4. Strategic Environmental Assessment (SEA), Habitats Regulations Assessment (HRA) & Equality Implications (EqIA)

4.1 Officers are seeking to conclude the Strategic Environmental Assessment (SEA), the Habitats Regulation Assessment (HRA) and the Equalities Impact Assessment (EqIA) reports in light of how the Plan is recommended to be modified as a consequence of the Examination. In general terms, a number of modifications recommended by the Reporter are in fact derived from earlier SEA and HRA work. Further administrative work is also underway in respect of issues relating to the supersession of parts of old Local Plans, and retention of other parts.

5. Community Engagement

5.1 There has been extensive community engagement during preparation of the Plan and statutory provisions for involvement in the examination. The statutory process through to adoption does not include any further opportunities for representations to be made on the Plan.

6. Resource Implications

6.1 No resource implications are anticipated as a result of this report, other than those already accounted for within the Service budget for development plan preparation.

7. Climate Change Implications

7.1 No climate change implications are anticipated as a result of this report.

8. Legal and Risk Implications

8.1 No legal or risk implications are anticipated as a result of this report.

Recommendations

The Committee is asked to:

- i. agree that the Reporters' recommendations be followed;
- ii. agree that officers should progress the necessary consequential modifications and non-material corrections;

- iii. agree to the carrying out of the statutory procedures required to progress the Plan so modified towards adoption, including report to Full Council on 5 April 2012;
- iv. agree that the Plan as modified be a material consideration for development management purposes with immediate effect pending its adoption by Full Council.

Designation: Director of Planning & Development

Date: 5th January 2012

Author: Brian Mackenzie/Malcolm Macleod

Background Papers:

Report to Highland Council, Local Development Plan Examination, Highland-wide Local Development Plan